

Appl. No. : 09/734,475
Filed : December 11, 2000

REMARKS

The February 9, 2005 Office Action was based upon pending Claims 1-6 and 11-21. This response amends Claims 1, 18 and 21 as follows. Thus, after entry of this response, Claims 1-6 and 11-21 are pending and presented for further consideration.

Claim Rejections

In the February 9, 2005 Office Action, the Examiner rejected Claims 1-6 and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,694,027 to Schneider ("the Schneider patent"), in view of U.S. Patent No. 6,647,389 to Fitch, et al., ("the Fitch patent").

The Examiner also rejected Claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent in view of U.S. Patent No. 5,841,879 to Scofield, et al. ("the Scofield patent").

Examiner Interview

Applicant would like to thank Examiner Graham for the interview extended to Applicant's counsel of record, John R. King, on June 3, 2005. During the interview, it was Applicant's understanding that the Examiner agreed that the amendments to Claims 1 and 18 clarified the patentably distinguishing features of the invention. Accordingly, Applicant has also amended Claim 21 along the lines discussed in the interview.

Reconsideration of the pending claims, as amended, is therefore respectfully requested.

Response To Restriction Requirement

Applicant elects to proceed with the prosecution of Claims 1-6 and 18-21 on the merits without prejudice to canceled Claims 11-17.

Supplemental Information Disclosure Statement

Enclosed is a Supplemental Information Disclosure Statement listing reference WO 94/16538. In the IDS submitted by Applicant on March 27, 2001 this reference was incorrectly listed as WO 96/16548.

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WO 94/16538 was cited in a PCT search report related to a different U.S. application owned by Applicant – U.S. Application No. 08/743,776, now U.S. Patent No. 5,912,976. For convenience, Applicant has submitted a copy of the PCT search report to provide additional information about reference WO 94/16538.

Rejection of Claims 1-6 and 21 under 35 U.S.C. § 103(a)

In the February 9, 2005 Office Action, the Examiner rejected Claims 1-6 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent, in view of the Fitch patent.

In brief, an embodiment of Applicant's invention determines whether an Internet broadcast partner is a licensed broadcast partner and if so, processes a multi-channel surround sound audio output to produce a two-channel audio output. The two-channel audio output is configured to simulate said multi-channel surround sound audio output when played on a pair of loudspeakers. This processing of a two-channel audio output comprises correcting a perceived height of an apparent sound stage associated with the two-channel audio output; enhancing base response associated with the two-channel audio output; and correcting a perceived width of the apparent sound stage associated with the two-channel audio output.

Applicants agree with the Examiner that the Schneider patent does not teach processing a multi-channel surround sound audio output to produce a two-channel audio output. Furthermore, the Fitch patent fails to teach the processing a multi-channel surround sound audio output to produce a two-channel audio output.

Also the Scofield patent fails to teach processing a two-channel audio output by correcting a perceived height of an apparent sound stage associated with the two-channel audio output; enhancing base response associated with the two-channel audio output; and correcting a perceived width of the apparent sound stage associated with the two-channel audio output.

Thus, none of the cited references teach Applicant's claimed invention.

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Claims 1 and 21

Because the references cited by the Examiner do not disclose, teach or suggest a system as defined by independent Claims 1 and 21, and Applicant therefore respectfully submits that independent Claims 1 and 21 are patentably distinguished over the cited references. Thus, Applicant respectfully requests allowance of independent Claims 1 and 21.

Claims 2-6

Claims 2-6, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Rejection of Claims 18-20 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent in view of the Scofield patent.

Claim 18

As explained above, the references cited by the Examiner do not disclose, teach or suggest a system as defined by independent Claim 18, and Applicant therefore respectfully submits that independent Claim 18 is patentably distinguished over the cited references. Thus, Applicant respectfully requests allowance of independent Claim 18.

Claims 19 and 20

Claims 19 and 20, which depend from Claim 18, are believed to be patentable for the same reasons articulated above with respect to Claim 18, and because of the additional features recited therein.

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Request For Telephone Interview

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 6/8/05

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